

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN WHITEWAY,

No. C-05-2320 SBA (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE, TIME
AND PLACE OF HEARING; ORDER
TO MEET AND CONFER**

FEDEX KINKO'S OFFICE AND
PRINT SERVICES, INC.,

(E-FILING CASE)

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for all discovery matters.

The hearing on Defendant's Motion for Protective Order Limiting Communication with Putative Class Members (the "Motion") has been set for **September 16, 2005, at 1:30 p.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The opposition(s), if not already filed, shall be electronically filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be electronically filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed with the Clerk's Office in compliance with Civil Local Rules 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil Local Rule 37-1(e). **Regardless of whether the Court reschedules a hearing date, all opposition and reply papers shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.**

In addition, it appears that counsel have not made adequate efforts resolve this matter without the need for Court intervention. Accordingly, IT IS HEREBY ORDERED that not later than five (5) days from the date of this Order, lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall

1 meet and confer **in person** regarding the subject matter of the Motion(s) in an effort to resolve the
2 matter(s), and shall provide a detailed Joint Letter to the Court **on the same day**. This Joint Letter shall
3 include a description of every issue in dispute and, with respect to each such issue, a detailed summary of
4 each party's final substantive position and its final proposed compromise on each issue.

5 **LAW AND MOTION HEARING PROCEDURES**

6 Civil law and motion is usually heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor,
7 United States District Court, 450 Golden Gate Avenue, San Francisco, California, 94102.

8 Motions to compel may be noticed without reserving a hearing date, subject to the Court's
9 availability.

10 Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not
11 less than 35 days notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an order shortening
12 time under Civil L. R. 6-3 if the circumstances justify that relief. In emergencies during discovery events,
13 the Court is available pursuant to Civil L. R. 37-1(b). In the event a discovery dispute arises, lead trial
14 counsel for the party seeking discovery shall in good faith confer **in person** with lead trial counsel for the
15 party failing to make the discovery in an effort to resolve the dispute without court action, as required by
16 Fed. R. Civ. P. 37 and Civil L. R. 37-1(a). The meeting must be **in person**, except where good cause is
17 shown why a telephone meeting is adequate. A joint letter setting forth these meet and confer efforts, each
18 unresolved issue, and the final positions of each party, shall be included in the moving papers. The Court
19 will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil
20 L. R. 37-1(a).

21 **A party or counsel has a continuing duty to supplement the initial disclosure when required**
22 **under Federal Rule of Civil Procedure 26(e)(1).**

23 Law and motion matters may be submitted without argument upon stipulation of the parties and
24 notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e),
25 filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of
26 the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements. All documents shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with those rules will not be considered by the Court.

BEFORE 5:00 P.M. ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: August 12, 2005


JOSEPH C. SPERO
United States Magistrate Judge

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